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SIPDIS

SENSITIVE

DEPARTMENT FOR NEA, PM, EUR/RPM, EUR/AGS AND INR/EU

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SUBJECT: AUSTRIAN WEAPONS DELIVERY TO IRAN - MFA RESPONSE

REFS: A) 04 VIENNA 4354 B) 04 VIENNA 4393 C) VIENNA 37
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This message is sensitive but unclassified.

1. (SBU) Summary: Green Party foreign policy spokeswoman Ulrike Lunacek submitted a parliamentary inquiry to Foreign Minister Ursula Plassnik on February 24, 2005 asking for an explanation of the GOA's approval of the shipment of 800 Steyr 50 caliber high-powered rifles to Iran. Lunacek quotes Article 3 of the Austrian War Materiel Act (Kriegsmaterialgesetz) regulating weapons exports, according to which the Interior Ministry has the authority to issue export permits "in agreement with the Ministry of Foreign Affairs" and "after consulting the Ministry of Defense" provided that such issuance is consistent with other obligations under international law.

Lunacek's inquiry quotes the Austrian business weekly "Wirtschaftsblatt" to the effect that the 12.4 kilogram sniper rifle could be used against vehicles and, given its ability to penetrate "thumb-thick steel," also against tanks. The Green motion then reiterates the other stipulations of the War Materiel Act:

-- The export, import or transit of war material does not run counter to obligations under international law or to Austrian foreign policy interests;

-- Export or transit does not take place to a region in which there is armed conflict, where such a conflict threatens to break out, or where other dangerous tensions exist;

-- Export or transit must not take place to a destination country where, based on serious and repeated human rights violations, the danger exists that the supplied war materiel will be used for the suppression of human rights;

-- Proper consideration is given to embargo resolutions by the Security Council of the United Nations;

-- Import, export and transit do not conflict with concerns for public or military security;

-- There are no other comparable, serious concerns.

2. (SBU) Below is a working translation of the questions submitted by the Green MPs with the corresponding answers provided by minister Plassnik April 26:

Question 1: Prior to issuance of the export license, was your concurrence obtained? If so, on what grounds did you agree to this license?

Answer: My ministry was in agreement, because the export request did not run counter to the conditions to be assessed by the foreign ministry for issuance according to Article 3 of the War Materiel Act.

Question 2: Who on the part of the Iranian government signed the end-user certificate?

Question 3: What end use has been stated on this end-user certificate?

Answer to questions 2 and 3: Providing answers to questions on concrete business transactions in connection with the Federal Law on the Import, Export and Transit of War Materiel does not fall within the purview of the Federal Ministry for Foreign Affairs.

Question 4: Do you consider Iran a country where an armed conflict exists, where such a conflict threatens to break out, or where other dangerous tensions exist?

Answer: No.

Question 5: Do you consider Iran a country where serious and repeated human rights violations have occurred and are occurring?

Question 6: If yes: do you think there is a danger that the supplied war materiel may be used against the Iranian population?

Answer to questions 5 and 6: The human rights situation

in Iran has been and remains problematic. It is being actively addressed by Austria and the EU both in bilateral and in international fora. There are no indications that the war materiel concerned could be used to suppress human rights along the lines of Article 3, Paragraph 1 Numeral 3 of the War Materiel Act.

Question 7: Since when has the Austrian government again been giving positive assessments to export license applications for Iran under the War Materiel Act?

Answer: Export requests are not evaluated on the basis of countries, but always case-by-case, on the basis of both domestic and international legal obligations.

Question 8: How do other countries treat such requests by Iran?

Answer: The annual EU report compiled on the basis of the EU Code of Conduct for weapons exports is published on the homepage of the EU Council and contains in its annex export statistics collected from the reports of EU member states. The 5th annual report (2002) shows that 99 export requests to Iran were granted EU-wide for goods included in the Joint List of Military Equipment. According to the 6th annual report (2003), 14 such requests from EU partners were approved.

Question 9: Is there a link between current diplomatic efforts by some EU countries to achieve compliance by the Iranian government in the area of nuclear weapons technology, and new weapons deliveries to Iran?

Answer: No.

Question 10: In the event that the complete shipment of 800 rifles has not yet taken place, are you prepared to change your evaluation of this export, and urge the Interior Ministry also to change its position so that it rescinds the license?

Answer: Issuance, denial or subsequent amendment of export licenses in connection with the Federal Law on Import, Export and Transit of War Materiel does not fall within the purview of the Ministry of Foreign Affairs.

13. (SBU) COMMENT: Perhaps unsurprisingly, the Ministry of Foreign Affairs has provided a minimal response to the inquiry. We consider it unlikely that there will be significant further repercussions of the sniper rifle transaction in Parliament.

BROWN